

REMARKS/ARGUMENTS

This amendment is in response to the Office Action dated December 16, 2006. The deadline for responding has been extended to June 16, 2006 by way of a request for an extension of time filed herewith.

**I. Introduction**

Claims 1-2, 15-25 and 31-32 have been canceled without prejudice. New claims 33-36 have been added. Claims 6, 13, and 26 have been amended to more distinctly claim the subject matter Applicant regards as the invention. Accordingly, claims 6-14, 26-30 and 33-36 are now pending.

In the office action, the Examiner rejected claims 6-14 and 26-30 under 35 U.S.C. §102(e) as being anticipated by Levinson (US 2002/0129379). As will be discussed below, independent claims 6 and 26, as amended clearly distinguish over the Levinson patent application. Accordingly, all of the pending claims are now in condition for allowance.

**II. The Pending Claims Are Patentable**

Fig. 2 of the present application illustrates a novel embodiment including a headend implementation. This implementation supports the amendments to claims 6 and 26 and clearly distinguishes over the Levinson patent application. The Levinson patent application fails to teach a plurality of modulators used to generate analog

signals which are then combined as shown in Fig. 2 of the present application.

As illustrated in the Fig. 2 embodiment of the present application, rather than use a digital input CMTS as done in the Fig. 5 embodiment, in some embodiments the individual digital data streams are demultiplexed, individually subjected to modulation and then the analog signals are combined by a combiner to produce a combined modulated analog signal. The combined modulated analog signal, which is the combination of each of the modulated demultiplexed data streams, is then supplied to the CMTS, e.g., as a single combined signal. Thus, in such an embodiment data can be supplied to the CMTS in a combined modulated analog signal format as opposed to requiring the CMTS to support a plurality of parallel digital data inputs. The CMTS may then process the signal to recover data corresponding to individual user terminals which it may packetize and/or place in ATM cells

Such an implementation is not suggested by the Fig. 21 embodiment shown in the Levinson et al. patent application which fails to show the modulation and combining process used in accordance with the present invention. Accordingly, since the Levinson et al. patent application fails to teach or disclose an implementation which includes the modulation and combining steps/elements now found in claims 6 and 26 these claims are patentable over the applied reference. The remaining claims which depend directly or indirectly from one of claims 6 and 26 are patentable for the same reasons that claims 6 and 26 are patentable.

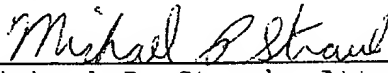
### III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue.

To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 50-1049.

Respectfully submitted,

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Michael P. Straub, Attorney  
Reg. No. 36,941  
Tel.: (732) 542-9070

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